

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONALD BURT,)
)
Plaintiff,)
)
v.)
)
RICK HARRINGTON, SAM NWAOBASI,)
ANGELA CRAIN, MICHAEL)
MOLDENHAUER, LAKESHA HAMBY,)
DR. JOHN TROST, CHAD FRIERDICH, and)
WEXFORD HEALTH SOURCES, INC.,)
)
Defendants.)

Case No. 3:13-cv-794-NJR-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court are multiple Motions. As indicated at the conference held on September 19, 2016, the following is hereby **ORDERED**:

1. The Motion for Protective Order (Doc. 150) is **DENIED**. Defendants Hamby, Moldenhauer, Trost, and Wexford have filed a motion for summary judgment on the issue of exhaustion. In an ordinary case, such a motion would stay discovery on the merits. *See Pavey v. Conley*, 544 F.3d 739, 742 (7th Cir. 2008). The Scheduling Order (Doc. 138) reflects this general rule by indicating that Plaintiff may not seek merits based discovery from Defendants who seek summary judgment on the issue of exhaustion. However, this matter is not ordinary because it has been pending for some time. In order to move these proceedings along and reach a timely resolution, merits discovery as to all Defendants shall commence.

2. The Motions for Expert Discovery filed by the Parties (Docs. 151 and 155) are **GRANTED**. An expert discovery schedule will be included in the amended scheduling order.
3. The Motion for Out of Pocket Expenses (Doc. 153) is **DENIED WITHOUT PREJUDICE**. Plaintiff is directed to Local Rule 83.13 which became effective on March 1, 2016. Any request for expenses should be made at the conclusion of this matter.

At the conference, the parties were instructed to inform the Court whether a hearing pursuant to *Pavey v. Conley*, 544 F.3d 764 (7th Cir. 2008), on the Motion for Summary Judgment as to exhaustion (Doc. 156) is necessary. Defendants indicated that no such hearing is required. Plaintiff further has notified the Court that a hearing is not required (Doc. 184). An amended scheduling order shall issue.

IT IS SO ORDERED.

DATED: September 26, 2016



DONALD G. WILKERSON
United States Magistrate Judge